

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

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CRM-M No.24524 of 2020

Date of Decision: September 11<sup>th</sup>, 2020

Rohit

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI**

Present: Mr. Prashant Singh Chauhan, Advocate  
for the petitioner.

Mr. Karan Sharma, Assistant Advocate General, Punjab.

**(PROCEEDINGS THROUGH V.C.)**

**AUGUSTINE GEORGE MASI, J. (ORAL)**

Petitioner has approached this Court for grant of regular bail in FIR No.35 dated 12.07.2019 registered under Sections 506, 120B IPC and Section 4 of POCSO Act, 2012 (Section 3 of SC&ST Act, 1989 added later on) at Women Police Station, Rewari.

In compliance with the order passed by this Court on 01.09.2020, counsel for the State has produced the order passed by the trial Court, according to which the evidence of the prosecutrix PW-1 stands concluded.

It is the contention of learned counsel for the petitioner that the petitioner was between 18-19 years of age at the time of his arrest. It is more or less a love affair between the petitioner and prosecutrix. In support thereof, he has placed reliance upon the WhatsApp chats as well as the letters, which have been alleged to have been written by the prosecutrix. He contends that out of the 20 cited witnesses, only one witness i.e. prosecutrix has been examined. Petitioner was arrested on 13.07.2019 and is in custody for more than 1 year. The trial is not likely to conclude in near future and, therefore, he prays for grant of concession of bail.

On the other hand, learned counsel for the State, has opposed the bail petition on the ground that the prosecutrix has supported the prosecution

version before the trial Court. The prosecutrix was a minor and the petitioner has indulged in such acts, which are not expected of him. He, therefore, contends that the petitioner be not granted the concession of bail. However, the fact that there are 20 witnesses, who have to be examined, out of which only one has been examined, could not be disputed by him. The custody period of the petitioner also could not be denied by him.

Keeping in view the submissions made by the counsel for the parties and on considering the peculiar facts and circumstances of the present case, especially the young age of the petitioner, with he being in custody for about 1 year and 2 months, with the trial not likely to conclude in near future as 19 witnesses are still to be examined, especially in the prevailing circumstances, where because of pandemic, the cases are not being taken up as a regular matter, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Rewari.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

**September 11<sup>th</sup>, 2020**  
*Puneet*

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No